

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Competitive Product Prices
Global Expedited Package Services 3
(MC2010-28 and CP2010-71)
Negotiated Service Agreement

Docket No. CP2017-309

PUBLIC REPRESENTATIVE COMMENTS ON
POSTAL SERVICE NOTICE CONCERNING AN
ADDITIONAL GLOBAL EXPEDITED PACKAGE SERVICES 3
NEGOTIATED SERVICE AGREEMENT

(September 22, 2017)

The Public Representative hereby provides comments pursuant to the Commission's Notice of Initiation of this docket.¹ In that Notice, the Commission established the above referenced docket to receive comments from interested persons, including the undersigned Public Representative, on a Postal Service Notice of filing a functionally equivalent Global Expedited Package Services 3 (GEPS 3) negotiated service agreement (Agreement).²

Agreements with the GEPS 3 product offer incentive pricing to mailers that send items directly to foreign destinations using Priority Mail Express International (PMEI), Priority Mail International (PMI), or both. Notice at 4. Prices offered pursuant to an agreement may differ depending upon the volume or postage commitments made by the mailers. *Id.*

¹ Notice Initiating Docket(s) for Recent Postal Service Negotiated Service Agreement Filings, September 15, 2017.

² Notice of the United States Postal Service of Filing a Functionally Equivalent Global Plus 3 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal September 14, 2017 (Notice).

Prices and classifications “not of general applicability” for GEPS agreements were previously established by Governors’ Decision No. 08-7.³ In Order No. 86, the Commission established GEPS as a product on the competitive product list.⁴ The Commission subsequently approved the addition of the GEPS 3 product to the competitive product list (MC2010-28), and included within that product a GEPS agreement (CP2010-71) that would serve as the baseline agreement for functional equivalence comparisons with future agreements.⁵ Since the addition of the GEPS 3 product to the competitive product list, the Commission has determined that many additional GEPS 3 agreements were functionally equivalent to the baseline agreement and should be included in the GEPS 3 (MC2010-28) product.

The effective date of the Agreement is intended to be October 1, 2017. The Agreement is expected to remain in effect for one calendar year from the effective date, subject to early termination provisions. *Attachment 1 at 3.*

The Postal Service states that the Agreement is functionally equivalent in all pertinent respects to the baseline agreement and is in compliance with the requirements of 39 U.S.C. § 3633. Notice at 7. The Postal Service therefore requests that the Agreement be added to the GEPS 3 product grouping. *Id.*

COMMENTS

The Public Representative has reviewed the Postal Service’s Notice, the Agreement, and supporting financial model filed under seal as part of the Notice. Based

³ See Docket No. CP2008-5, United States Postal Service Notice of Filing Redacted Copy of Governors’ Decision No. 08-7, May 6, 2008 (Governors’ Decision No. 08-7). A redacted copy of the Governors’ Decision was also filed as Attachment 3 to the Notice. An unredacted copy of the Governors’ Decision was filed previously under seal. Docket No. CP2008-4, Notice of United States Postal Service of Governors’ Decision Establishing Prices and Classifications for Global Expedited Package Service Contracts, May 20, 2008.

⁴ Docket No. CP2008-5, Order Concerning Global Expedited Package Services Contracts, June 27, 2008 (Order No. 86).

⁵ Docket Nos. MC2010-28 and CP2010-71, Order Approving Global Expedited Package Services 3 Negotiated Service Agreement, July 29, 2010 (Order No. 503).

upon that review, the Public Representative concludes that it appears the negotiated prices in the Agreement should generate sufficient revenues to cover costs.

39 U.S.C. § 3633. Pursuant to 39 U.S.C. § 3633(a), the Postal Service's competitive prices must not result in the subsidization of competitive products by market dominant products; ensure that each competitive product will cover its attributable costs; and, ensure that all competitive products collectively contribute an appropriate share of the institutional costs of the Postal Service.

As presented, the Postal Service's modified financial model indicates that the negotiated rates in the Modification will generate sufficient revenue to cover its attributable costs. Therefore, the Modification of the Agreement to the GEPS 3 product will not cause the product's cost coverage to fall below 100 percent - assuming the product currently covers its attributable costs. Under this assumption, the addition of the Agreement should allow the GEPS 3 product to continue to comply with 39 U.S.C. § 3633(a)(2), and should not result in competitive products as a whole being subsidized by market dominant products, in accordance with 39 U.S.C. § 3633(a)(1). The Commission will have an opportunity to review the financial results for the Agreement in a future ACD Report for compliance with 39 U.S.C. 3633(a).

The Public Representative respectfully submits the foregoing comments for the Commission's consideration.

Jennaca Upperman
Public Representative

901 New York Ave. NW
Washington, DC 20268-0001
202-789-6898
jennaca.upperman@prc.gov